

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ARTERBURN *et al.*

Appl. No.: 10/672,077

Filed: September 29, 2003

For: **Glycemic Control for Prediabetes
and/or Diabetes Type II Using
Docosahexaenoic Acid**

Confirmation No.: 4735

Art Unit: 1617

Examiner: KIM, Jennifer M.

Atty. Docket: 2715.0350001/JUK/SMW

**Fourth Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98. The material presented on this Fourth Supplemental Information Disclosure Statement is a continuation of the material presented in Applicants' Third Supplemental Information Disclosure Statement filed on May 16, 2006 in connection with the above-captioned application.

Copies of documents **FP1**, **FP2**, and **NPL1** to **NPL6** are submitted. However, copies of the U.S. patents cited on the attached Form PTO/SB/08A, documents **US1-US4**, are not submitted in accordance with 37 C.F.R. § 1.98(a)(2).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter, and their file histories and documents cited therein:

Application No. 11/223,128, filed September 12, 2005 (SKGF Ref: 2715.0300002); published on March 30, 2006 as U.S. Appl. Pub. No. 2006/0069159 A1 and cited as document **US3** on Form PTO/SB/08A filed herewith; and

Application No. 12/364,893 filed February 3, 2009 (SKGF Ref: 2715.0300005); published on August 13, 2009 as U.S. Appl. Pub. No. 2009/0203655 A1 and cited as document **US4** on Form PTO/SB/08A filed herewith.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed after the mailing of a first Office Action but before the mailing date of a final action under 37 C.F.R. § 1.113, and is accompanied by the fee set forth in 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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Date: NOVEMBER 9, 2009

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